



Approved

## MINUTES

### CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m., Thursday, July 23, 2009

City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Mike Ruden; Board Members Randy Klauer, Jeff Cremer, Heath Hutchinson and Bill Gibbs.

**Staff Members Present:** Guy Hemenway and Wally Wernimont.

**AFFIDAVIT OF COMPLIANCE:** Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

**CALL TO ORDER:** The meeting was called to order by Chairperson Ruden at 4:02 p.m.

**MINUTES & NOTICES OF DECISION:** Motion by Klauer, seconded by Gibbs to approve the minutes of the June 25, 2009, meeting. Motion carried by the following vote: Aye – Klauer, Cremer and Gibbs; Nay – None; Abstain - Ruden.

### **SPECIAL EXCEPTIONS**

**DOCKET 29-09:** Application of Charles & Sharon Schemmel for a special exception for property located at 3169 Kennedy Road to build a 1,080 square foot detached garage, 1,000 square foot maximum permitted, in an R-1 Single-Family Residential zoning district..

Charles & Sharon Schemmel presented the request to the Board. They said that they want to build a detached garage along the side of the house. They explained that the garage will have a pole shed design and will be approximately 30 foot by 36 foot.

The Board discussed the pitch of the roof of the garage.

Charles Schemmel said that the roof will match the pitch of the roof of the house.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report to the Board. He discussed the 1,000 square foot maximum area allowed for accessory structures. He noted the size

of the lot and the garage's distance from adjacent structures. He said that the detached garage will not be closer to the front property line than the existing house.

Motion by Klauer, seconded by Cremer, to approve the special exception request, as submitted. Motion carried by the following vote: Aye Klauer, Cremer, Gibbs and Ruden; Nay – None.

**DOCKET 30-09:** Application of City Housing Department / Dennis McCarthy for a special exception for property located at 1355 Washington Street to build a front porch 4 feet from the front property line, 10 feet required, and 2 feet from the north and south property lines, 3 feet required, for a residential legally non-conforming property located in a C-4 Downtown Commercial zoning district.

Dick Firzlaff, Housing Inspector for the City of Dubuque, explained the request to the Board. He said that Mr. McCarthy is proposing to remove existing aluminum awning and replace it with a full length hip-roofed porch. He said that the proposed porch will have a roof and a double hand rail with spindles to meet the rehabilitation standards of the Washington Neighborhood.

Staff Member Wernimont presented photos of the site to the Board. He reiterated the special exception request. He explained the reason why a single-family home in a C-4 Downtown Commercial zoning district has legal nonconforming status. He said that he has not received any phone calls from adjacent property owners regarding the request.

Motion by Klauer, seconded by Gibbs, to approve the special exception, as submitted. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay-None.

**DOCKET 33-09:** Application of Greg & Peggy Stover (tabled from March 24, 2009) for a special exception for property located at 1145 Locust Street to build a detached 24 foot by 30 foot garage 1 foot 2 inches from the south side property line and 0 feet from the front property line (Bluff Street), 3 foot and 10 foot minimum setbacks respectively required, in an OC Office Commercial zoning district.

The applicant submitted an e-mail to Staff Member Wernimont indicating that he wished to withdraw his special exception request from the Zoning Board of Adjustment agenda.

**CONDITIONAL USE PERMITS:**

**DOCKET 31-09:** Application of James Steiner, University of Dubuque for a conditional use permit for property located at 959 McCormick Street to open a licensed child care center, with 40 children and 7 employees, next to 959 McCormick Street (parcel 10-26-135-012 and parcel 10-26-135-01).

Jeff Steiner, Vice President of Finance for the University of Dubuque, discussed the location of the proposed child care center. He said that the University of Dubuque is working with the Iowa Department of Human Services to open a licensed child care center for approximately 40 children—from newborn to school age. He explained that the child care center primarily will be used by students and faculty who have children. He said that there is a possibility that the child care center will be open to the public, depending upon the number of children vacancies available for the child care center.

He said that the University is addressing the need for child care for students with children. He referred to a site plan and noted the location of the loading and unloading zoned for the child care center. He discussed the relocation of the parking for the adjacent property at 959 McCormick Street.

Joan Noel, 1051 McCormick Street, asked if the residence at 959 McCormick Street will be removed. Mr. Steiner said that the residence will not be removed. Ms. Noel asked about the distance from her house to the subject property. Mr. Steiner said that it will be approximately 10 feet.

Staff Member Hemenway presented the staff report. He noted the location of the child care center and explained that the University of Dubuque owns several properties in the immediate vicinity. He discussed the location of structures throughout the neighborhood. He discussed the submitted site plan and explained the reconfiguration of off-street parking for the two properties.

NOTE: Heath Hutchinson entered the meeting at 4:15 p.m.

Staff Member Hemenway explained why a child care center requires a conditional use permit. He said that at this time, the property is not part of the University of Dubuque campus. He said that the University of Dubuque is requesting to add this property to their ID Institutional District. Mr. Hemenway referred to the location of the play area for the child care center. He recommended that when a site plan is submitted, the Board require that the outdoor play area is screened.

The Board discussed the request and felt that the outdoor play area should be screened.

Motion by Klauer, seconded by Gibbs, to approve the conditional use permit with the condition that the outdoor play area be screened. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay –None.

**DOCKET 32-09:** Application of Cheri Kalb / Lange Sign Group for a variance for property located at 3338 Center Grove Drive to install an off-premise sign 375 feet from an existing off-premise sign, 500 foot minimum required, in a C-3 General Commercial zoning district.

Cheri Kalb, owner of 3338 Center Grove Drive, referred to photos of the site. She explained the location of the proposed free-standing sign as it relates to her property. She said that if she was to place a free-standing sign on her property it would not be visible from Center Grove Drive. She noted the width of the right-of-way along Center Grove Drive. Ms. Kalb noted that the staff report states that a sidewalk should be required. She explained that this condition should be removed from the recommendation, if approved. She said that her present tenants are complaining because there is no free-standing signage on the site.

Board Members asked who owns the property where the proposed sign will be located. Ms. Kalb said that the City of Dubuque owns the land and her property is adjacent to it. Board Member Klauer asked about the difference between off-premise and on-premise signage. Staff Member Hemenway explained the difference between the two. He discussed the width of the right-of-way along Center Grove Drive at this location. He said that Ms. Kalb also will need to obtain a revocable license to place the sign in the right-of-way. He said that the current City ordinance requires that with any improvement to a property a sidewalk must be installed. He explained that, prior to issuance of a building permit; the Board can require that a sidewalk be installed.

The Board discussed whether to place a condition on the variance request.

No one was in attendance opposing the variance request.

Board Member Cremer discussed the location of the sign and who would be required to maintain the area around the sign. Staff Member Hemenway explained that property owners are required to maintain the right-of-way between the street and their property.

Motion by Gibbs, seconded by Cremer, to approve the variance request, as submitted. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden.

**ITEMS FROM BOARD:**

Board Member Klauer questioned the Holiday Inn Express signage for their facility along Holliday Drive. Staff Member Hemenway discussed the sign requirements for the Hotel Julien and said that they probably will be coming before the Zoning Board of Adjustment to request a variance.

Board Member Hutchinson asked about the roof-mounted sign on the Hotel Julien. Staff Member Hemenway explained that roof-mounted sign is grandfathered.

Board Member Klauer asked about the property located in the 1100 Block of White Street and the setbacks for the detached garage located along the alley. Staff Member Wernimont explained that this property is located in a C-4 Downtown Commercial zoning district.

Board Member Klauer asked about the properties at 2842 and 2840 Burlington Street. Staff Member Hemenway explained that those properties are zoned C-1 Neighborhood Commercial and have a difference requirement for setbacks.

**ADJOURNMENT:** The meeting adjourned at 4:42 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—August 27, 2009